

UNITED STATES BANKRUPTCY COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

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<b>In Re: David Ciarlante,</b>	:	<b>Chapter: 13</b>
<b>Debtor</b>	:	<b>Bankruptcy No. 20-10312-MDC</b>
 	:	
<b>NewRez LLC d/b/a Shellpoint Mortgage</b>	:	
<b>Servicing,</b>	:	
<b>Movant</b>	:	
 	:	
<b>-v-</b>	:	
 	:	
<b>David Ciarlante,</b>	:	
<b>Respondent</b>	:	<b>Answer to Motion for Relief</b>
 	:	

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**ANSWER TO MOTION FOR RELIEF OF NEWREZ D/B/A SHELLPOINT MORTGAGE  
SERVICING FILED BY DAVID CIARLANTE, DEBTOR/RESPONDENT**

And now comes David Ciarlante, Debtor/Respondent, through his attorney Jeffery A. Fournier, Esquire, files this response to the motion for relief file by NewRez LLC d/b/a Shellpoint Mortgage Servicing, pleading the following answer:

- 1) Admitted.
- 2) Admitted.
- 3) Admitted.
- 4) Admitted.
- 5) Admitted.
- 6) Admitted.
- 7) Admitted.

8) Admitted in Part, Denied in Part. Its admitted that Debtor is behind on post petition payments. Movant is sending out mortgage statements which significantly overstate the post petition amount due, causing discouragement and frustration with Debtor. The most recent statement (01/29/2021), the Movant alleges the Debtor is \$7,695.73 past due. Furthermore, Debtor request that all statement accurately reflect the amount owed and sent directly to his address.

9) Denied. Debtor incorporated paragraph eight (8) above as is set forth in full. Debtor believes the amount owed is inaccurate based upon inaccurate mortgage statements sent by Movant

10) Denied. This motion is for requested relief, not to affirm alleged balances owed. Debtor believe that alleged amounts owed are overstated and doesn't accurately reflect payments made by Debtor and Trustee under the chapter 13 plan.

11) Admitted in Part, Denied in Part. Its admitted that the property value on Schedule "A" speaks for itself. It's denied that the value in the bankruptcy petition reflects the current value for purposes of adequate protection. Debtor contends that property value has increased since the filing of this petition.

12) Denied. Movant alleges conclusions of law which do not require a response. Furthermore there is adequate equity in the property to adequate protect the Movant's interest.

13) Admitted. Debtor is financially able to resume mortgage payment.

14) Denied. The Court has power to grant various relief that could facilitate Debtor to continue making adequate assurance payments to the Movant without ordering automatic stay relief.

15) Denied. Movant claims that if relief from the automatic stay is granted, will negatively impact Movants interest making payments. Furthermore, Movants allegations are speculative.

WHEREFORE, Debtor respectfully request that relief from the automatic stay be denied and Order alternative relief to facilitate adequate assurance payments to the Movant and preserve Debtors interest in the largest asset within the bankruptcy estate.

Respectfully submitted,

/s/ Jeffery A. Fournier, Esquire  
Jeffery A. Fournier, Esquire  
For David Ciarlante, Debtor/Respondent

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**VERIFICATION**

I, hereby state:

1. I verify that the statements made in this pleading/answer are true and correct to the best of my knowledge, information and belief; and
2. I understand that the statements made in this pleading/answer are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

*/s/ David Ciarlante*  
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David Ciarlante, Debtor/Respondent

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**CERTIFICATION OF SERVICE**

I, Jeffery A. Fournier, Esquire, hereby certify that I served that the above Notice of Objection were served to the interested parties listed below by first class prepaid postage mail and/or electronically on February 26, 2021:

William C. Miller, Trustee (Electronic)

Charles G. Wohlrab, Esquire (Electronic)  
for Movant

/S/ Jeffery A. Fournier, Esquire  
Jeffery A. Fournier, Esquire  
Attorney for Debtor/Respondent